

REMARKS

Claims 9-11 are pending in the application. By this amendment, claims 4 and 5 have been canceled.

Claims 9-11 stand rejected under 35 U.S.C. §103 as being unpatentable over *Janczak* in view of *Downs*. The Examiner states that *Janczak* teaches a method for shutting down an ICE and locking the engine in a predetermined rest condition. The Examiner admits that *Janczak* lacks any specific teaching of the defined starting position. For this, the Examiner looks to *Downs*, which the Examiner asserts as teaching the method of stopping the engine at a predetermined rest position being defined such that motoring torque is decreasing during the first phase of restart and for this he cites Col. 4 of *Downs*. The Examiner argues that it would have been obvious to one of ordinary skill in the art at the time of the invention to modify *Janczak* to employ the predetermined rest position in view of *Downs* in order to reduce compression vibration. Applicants respectfully traverse this rejection and request that Claims 9-11 be reconsidered in view of these remarks and passed to issue over the Examiner's rejection.

Applicants respectfully submit that neither *Janczak* nor *Downs*, whether taken singly, or in combination with each other, teach or suggest Applicants' claimed invention as set forth in Claims 9-11. As admitted by the Examiner, *Janczak* teaches nothing regarding a particular place for stopping an engine and locking a crankshaft. However, although *Downs* teaches a method of stopping a crankshaft of an engine at some particular position, citing fluctuations of torque as a function of in-cylinder pressures. What is not clear at all is what *Downs* teaches regarding where to stop the engine. What is clear is that *Downs* does not teach that an engine should be stopped at a position wherein the motoring torque is decreasing during the first phase of the restart.

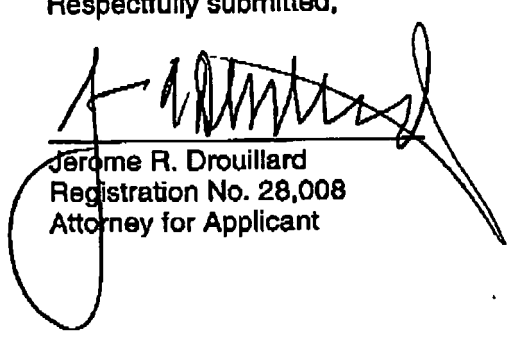
The Examiner's attention is directed to Col. 4, at lines 24-33 of *Downs*, wherein *Downs* states that, " the desired position of the crankshaft in a four cylinder engine may be with a pair of the pistons within sixty crank degrees before or after top-dead-center, before the intake valve close position for the cylinder in its intake stroke." Because intake valves typically close before the engine reaches top-dead-center, this means that *Downs* is teaching stopping the engine on the compression stroke, before top-dead-center, or perhaps after top-dead-center. It is simply not clear what *Downs* is teaching. Apparently, *Downs* teaches nothing regarding decreasing torque, increasing torque, or any other aspect of torque, because *Downs* is teaching stopping either before or after top-dead-center when motoring torque could be increasing or perhaps decreasing. One simply does not know. As a result, each of Claims 9-11 is allowable over the Examiner's rejection and should be passed to issue. Such action is earnestly solicited.

Please charge any fees required in the filing of this amendment to deposit account 06-1510.

Respectfully submitted,

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